

Notice of Allowability

Application No.

09/811,504

Examiner

Lee Khuong

Applicant(s)

YAZAKI ET AL.

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 3-20-01.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 20 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>11/30/04</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>3/20/01</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carl Brundidge on 11-30-04.

The application has been amended as follows:

In the claims:

Claim 5, lines 17-18, "the minimum bandwidth" has been changed to --- the user-specific bandwidth ---.

Claim 6, lines 1-2, "the discard control means" has been changed to --- the discard control unit ---.

Claim 10, line 6 and lines 11-12, "the discard control means" has been changed to --- the discard control unit ---.

Claim 12, line 6 and lines 11-12, "the discard control means" has been changed to --- the discard control unit ---.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-4, 9-10, the prior art fails to teach or suggest a packet shaper ensuring that packets falling within minimum bandwidth are transmitted to their destinations, the packet shaper comprises a priority decision means, wherein the priority decision means comprises a check result decision means to determine queuing priority, based on the bandwidth check control information in the entry read by the bandwidth check table control means, the value of a timer indicating current time, and packet length in the packet header, wherein the flow detection unit determines importance of packets of the flow in addition to the flow identifier and the check result decision means determines queuing priority, based on the importance besides the bandwidth check control information, in combination with other limitations, as specified in the independent claims 1, 3 and 9.

Regarding claims 5-8, the prior art fails to teach or suggest a packet shaper ensuring that packets falling within minimum bandwidth are transmitted to their destinations. The packet shaper comprises a priority decision means, wherein the priority decision means judges whether packets for a plurality of users fall within user-specific bandwidth within which packet transmission is ensured and those packets that fall within the user-specific bandwidth to be high priority packets, wherein if received packets for a user go outside the user-specific bandwidth, the priority decision means gives priority to important packets predetermined by the user and determined that these packets are high priority packets, in combination with other limitations, as specified in the independent claim 5.

Regarding claims 11-12, the prior art fails to teach or suggest a packet shaper ensuring that packets falling within minimum bandwidth are transmitted to their destinations. The packet shaper comprises a priority decision means, wherein the priority decision means comprises a flow detection unit to determine what flow identifier of the flow by referring to the information contained in the packet header, wherein the flow detection unit determines importance of packets of the flow in addition to the flow identifier, in combination with other limitations, as specified in the independent claim 11.

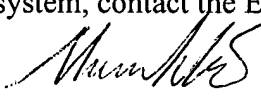
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Khuong whose telephone number is 571-272-3157. The examiner can normally be reached on 9AM - 5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lee T. Khuong
Examiner
Art Unit 2665

DUCHO
PRIMARY EXAMINER


12-06-04